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MAR 09 2006Docket No. 1232-4797**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Applicant(s): TAKEDA, et al.****Group Art** 2624**Serial No.:** 10/014,109**Examiner:** Thomas D. LEE**Filed:** December 10, 2001**Conf. No.:** 3930**For:** DUST AND DIRT DETECTION IN IMAGE READING APPARATUS
HAVING ORIGINAL FLOW SCANNING FUNCTION**CERTIFICATE OF FACSIMILE TRANSMISSION**

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 COMMISSIONER for PATENTS
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

I hereby certify that the following items:

1. Response to Election Requirement (2 pp.)

is/are being transmitted pursuant to 37 C.F.R. §1.8 by facsimile on the date indicated below, to:

Examiner Thomas D. LEE
 Group Art Unit: 2624
 Tel. No.: (571) 272-7436
 FAX No.: (571) 273-8300

Transmission Total: 3 pages (including this cover sheet).

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: March 9, 2006By: Stephen Manetta

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PATENT

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RESPONSE TO ELECTION REQUIREMENT

In response to the Official Action dated February 22, 2006, requiring a species election, Applicants respectfully submit the following.

I. The Examiner's Election Requirement

The Examiner has subjected pending claims 1-54 to election requirement because, in the Examiner's opinion, as set forth in the Detailed Action, the application contains claims directed to two patentably distinct species of the claimed invention as follows:

Species I: directed to a first embodiment disclosed on page 35, line 8-page 45, line 13 and corresponding to claims 1-10, 23-32 and 45-49, and

Species II: directed to a second embodiment disclosed on page 45, line 15-page 56, line 11 and corresponding to claims 11-22, 33-44 and 50-54.

Additionally, the Examiner notes that no claims are currently deemed to be generic. Accordingly, the Examiner has required Applicants to elect a single disclosed species for prosecution, and to identify all claims readable thereon.

II. Applicants' Election of Species

Applicants respectfully disagree with the claim characterizations and identification of species in the imposed requirement for election.

Nonetheless, Applicants elect to pursue prosecution of Species II identified by the Examiner, which is directed to the third embodiment (i.e., corresponding to page 45, line 15-

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page 56, line 11 of the specification as filed) and respectfully submits that claims 11-22,33-44 and 50-54 read on this elected species.

II. Applicants' Traversal

This election is made with traverse. Applicants respectfully submit that (1) all species of claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the election requirement should be withdrawn and an action on the merits of all the originally presented claims is respectfully solicited.

If any issues exist, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned at the telephone number below.

AUTHORIZATION

No fees are believed due in connection with this response and this paper is believed to be timely filed. However, should an extension of time be necessary, such extension is hereby petitioned. The Commissioner is authorized to charge any fees or credit any overpayments which may be required for this paper to Deposit Account Number 13-4500, Order No. 1232-4797.

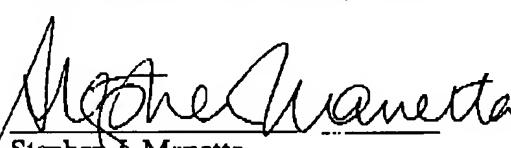
In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.

An early and favorable decision on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: March 9, 2006

By:


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